

UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION

UNITED STATES OF AMERICA )  
 )  
 )  
 )  
vs. ) CASE NO. 3:10-00250  
 )  
 )  
 )  
MATTHEW PAUL DEHART )

## TRANSCRIPT OF PROCEEDINGS

BEFORE: THE HONORABLE ALETA A. TRAUGER  
DATE: DECEMBER 3, 2010  
TIME: 3:45 P.M.

## **APPEARANCES:**

FOR THE GOVERNMENT: MATTHEW EVERITT  
U.S. Attorney's Office  
Nashville, Tennessee

FOR THE DEFENDANT: **RON SMALL**  
Federal Defender's Office  
Nashville, Tennessee

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1 THE COURT: Good afternoon. We are here on  
2 United States versus Matthew Paul -- is it Dehart?

3 MR. DEHART: Yes, ma'am.

4 THE COURT: We have for the government Matthew  
5 Everitt -- and, Mr. Everitt, I want to thank you for filling  
6 in here; I just didn't see I could postpone this for as many  
7 weeks as Ms. Daughtrey wanted me to postpone it for -- and  
8 for the Defendant, Ron Small.

9 MR. SMALL: Yes, ma'am.

10 THE COURT: And Mr. Dehart is in the courtroom.  
11 We are here on a review of a detention decision of a  
12 magistrate judge in Maine.

13           The government has filed an extensive document that  
14        has the transcript of the hearing in Maine. I have  
15        requested from the probation office the pretrial services  
16        report, which I trust you all got copies of?

17 MR. SMALL: Yes, ma'am.

18 THE COURT: And then I realized when I was  
19 reading the government's position that there was a reference  
20 to Exhibit 2 which was not attached or filed. I have just  
21 been furnished that, and I trust you have been furnished  
22 that?

23 MR. SMALL: I have. Mr. Everitt provided that  
24 to me.

25 THE COURT: And I have almost finished looking

1 at it.

2 MR. EVERITT: Your Honor, just for the record, I  
3 didn't file that on PACER, and I put a parenthetical in our  
4 notice. The reason was it contained unsworn statements of  
5 law enforcement, and it was admitted over objection of  
6 counsel at the first detention hearing.

7 THE COURT: Okay.

8 MR. EVERITT: And it was 6:30 the night before,  
9 so I couldn't call Ron to see if he had a problem with it.  
10 When I got the nervous feeling, I figured it better not to  
11 put it on PACER.

12 THE COURT: That's fine. All right. The  
13 presumption applies here, so I guess, Mr. Small, do you want  
14 to go forward?

15 MR. SMALL: Yes, Your Honor.

16 THE COURT: All right.

17 MR. SMALL: I would like to call Mr. Paul  
18 Dehart.

19 THE COURT: All right. Paul Dehart?

20 THE CLERK: Raise your right hand.

21 (WITNESS WAS SWORN.)

22 THE CLERK: State your name for the record.

23 THE WITNESS: Paul Joseph DeHart.

24 THE CLERK: Take a seat in the witness stand.

25 PAUL JOSEPH DEHART,

## **DIRECT EXAMINATION**

4 BY MR. SMALL:

5 Q Mr. Dehart, where do you presently live?

6 A We live in Newburgh, Indiana, 10270 Bourbon Street.

7 Q And you live there with your wife?

8 A Yes, Leann.

9 Q What's her name?

10 A Leann Dehart.

11 Q How long have you and your wife lived at that  
12 residence?

13 A We've lived there since 2005.

14 Q You are Matthew Dehart's father?

15 A Yes, sir.

16 Q Did Matthew at any time live with you at that  
17 residence, sir?

18 A Yes, he lived with us during 2005 until just  
19 recently.

20 Q All right. Now, Mr. Dehart, are you aware of the  
21 circumstances surrounding this case against your son?

22 A Yes, sir.

23 Q All right. What I want to direct your attention to,  
24 sir, is the -- was an arrest warrant or search warrant  
25 executed at your home in 2010?

1       A     Yes, sir.

2       Q     And what date was that?

3       A     That was Monday, January 25th.

4       Q     At that time was your son present?

5       A     Yes. he was.

6       Q     Were you or your wife present?

7       A     No, we were not.

8       Q     Where were you folks?

9       A     My wife, Leann, was at her work. She works at

10      Trinity Seminary, Newburgh. And I was at the Newburgh

11      church where I work.

12      Q     What do you do at the church there, sir?

13      A     I'm a minister.

14      Q     How long have you been a minister at the Newburg

15      Church?

16      A     For five years.

17      Q     Now, when did you learn about the warrant, search

18      warrant?

19      A     Shortly after the team of investigators left, Matt

20      called me and asked me to come home.

21      Q     And did you immediately arrive to the residence? How

22      long did it take you to get there?

23      A     Fifteen minutes.

24      Q     What did you learn about the warrant when you got

25      there?

1 A I read the warrant, what it was for, seizure of  
2 electronic equipment, and I believe it referenced what the  
3 charges were or what they were investigating.

4 Q All right. Subsequent to the warrant being executed,  
5 I imagine, was Matt arrested?

6 A No, he was not.

7 Q Was any instructions, to your knowledge, given to  
8 your son about staying in the jurisdiction or reporting to  
9 law enforcement officers or anything like that?

10 A No, sir. All we had was a copy of the warrant, the  
11 -- yeah, the search warrant. That's all we had.

12 Q Now, after that warrant was executed at your  
13 residence, what, if anything, did Matt do or what happened  
14 with regard to Matt after that point?

15 A He was very upset, as we were. He was -- he didn't  
16 sleep the night that it happened. And the next morning, he  
17 decided to drive to -- to leave to clear his head. He was  
18 sort of in a state of shock, and so he took off for a couple  
19 of days.

20 Q Where did he go?

21 A He ended up going to Mexico.

22 Q Now, was there any discussion between you and your  
23 son about why he was going to Mexico or, you know, any  
24 reasons why he would go there to clear his head versus the  
25 continental U.S.?

1 A Well, I didn't think it was unusual going to Mexico.  
2 We -- my wife and I have been to Mexico for mission trips.  
3 I have gone a couple of times over the past few years. I  
4 think he didn't feel safe -- I know he didn't feel safe at  
5 our house, and he just needed to get away.

6 Q Now, did you provide transportation to your son in  
7 order for him to go to Mexico?

8 A He took our 1997 Saturn. It was the vehicle that he  
9 used when he needed to use it, and so that was -- that  
10 vehicle was available to him.

11 Q Now, you said you went on mission trips, you and your  
12 wife, before?

13 A We have been to Monterrey, Mexico, when we were in  
14 college, and currently our church sponsors a mission church  
15 in Baja, Mexico, and I've been there three times.

16 Q Has your son, to your knowledge, ever been to Mexico  
17 prior to January of 2010?

18 A No, he hadn't.

19 Q Was there -- where was he staying or do you know  
20 where he was staying when he went to Mexico?

21 A He stayed at a hotel near the airport, and I can't  
22 remember the name.

23 Q Did you provide him any money or funds to travel --  
24 other than the car to travel to Mexico or to stay at some  
25 hotel down there?

1       A       No, we did not.

2       Q       Do you have any family or friends down there that  
3       your son could contact or did contact while he was there?

4       A       We knew a preacher at a church in Monterrey, but I  
5       don't know whether Matt contacted him or not.

6       Q       Were you in any contact by phone with your son or  
7       otherwise while he was in Mexico?

8       A       Yes.

9       Q       When?

10      A       He had -- he called us as he was on his way down  
11       there. And then when he was there, he had the capability to  
12       pick up a small notebook and set up a Skype account so he  
13       could Skype us, so he talked to us at night.

14      Q       How often did you and your wife and Matt Skype?

15      A       He called every day.

16      Q       Did you at any time ever encourage him to come back  
17       to the United States or did you have any discussions about  
18       that?

19      A       Yes, we did. As he had time to think about it and  
20       clear his head, we talked him into coming back, and he came  
21       back on Sunday, the Sunday after the warrant.

22      Q       He came back to Indiana on that date or to the United  
23       States?

24      A       He crossed back in the United States on the Saturday  
25       and then went to San Antonio, stayed overnight in San

1 Antonio, then flew back from San Antonio to Evansville,  
2 where we picked him up.

3 Q What happened to the car?

4 A The car is -- it was left in Mexico.

5 Q Why was it left in Mexico?

6 A It was an old car, had been totaled in a tornado in  
7 2005; for insurance purposes, it wasn't worth much.  
8 Mechanically, we were unsure about it making its way back,  
9 and apparently Matt missed a checkpoint that he was supposed  
10 to stop and register, get some insurance for Mexico, so we  
11 were concerned about that, and we just wanted him to come  
12 back home. So he took a limo to the border, walked across  
13 the border, then took a taxi to San Antonio.

14 Q Did you all pay for his flight back?

15 A No, he had money to do that.

16 Q During the time that Matt was -- your son was in  
17 Mexico, during those days, did you ever get contacted  
18 yourself by a law enforcement officer asking where Matt was?

19 A No, we did not. As far as we know, he wasn't under  
20 any travel restrictions.

21 Q Now, when he came back to your home what happened at  
22 that point, what did you do?

23 A He was at home with us and started taking him to --  
24 he sees a counselor, and took him to his counselor to deal  
25 with the enormity of the situation.

1 Q Was he depressed at that point?

2 A He was, yes.

3 Q How often did he go to see a counselor?

4 A He saw a psychiatrist once a month for -- once every  
5 six weeks or month for medication management. Then he saw a  
6 psychologist every other week, I think it was.

7 Q Now, I think you said you lived in your home for a  
8 period of time. How long have you lived in the state of  
9 Indiana?

10 A We moved to state of Indiana in May of 2005, rented  
11 an apartment, then we bought our condo in September of 2005.

12 Q Did you -- I guess, what brought you to Indiana? Did  
13 you serve in the military or what happened?

14 A I had never served in the military in Indiana. I had  
15 been retired from the Air Force. My mother-in-law, Leann's  
16 mom, lives in Fort Branch, and she retired there. And there  
17 was a church position opened at Newburgh, so I interviewed  
18 for that position and took that position.

19 Q How far does Matthew's grandmother live from you  
20 folks?

21 A Approximately 30 miles north.

22 Q Now, at any time did your son apply for a passport  
23 after he got back to the states?

24 A He did, applied for a passport in March of 2010, this  
25 year, this year.

1 Q        And what was the purpose for him applying for a  
2 passport?

3 A        We were investigating after talking with his  
4 counselor that he needed something to change his mind-set  
5 and what he was thinking about because this was all that he  
6 had to think about.

7            We looked into enrolling him in a language school and  
8 then in college in Canada, and so in order to do that he  
9 needed to have a passport, and so he applied for a passport.

10 Q        Backing up a little bit about your son, did your son  
11 ever serve in the armed forces?

12 A        He did. He enlisted in the Air National Guard in  
13 February of 2008.

14 Q        And how long did he serve?

15 A        He was discharged after 14 months, or 16, just over a  
16 year.

17 Q        What was the basis for the discharge?

18 A        He had to have a top secret security clearance in the  
19 course of the investigation for the SCI, the sensitive  
20 compartment, did information clearance. They do an  
21 extensive background investigation.

22            He was granted a clearance, but they were concerned  
23 about the history of depression in my family on my mom's  
24 side. So since the unit works with unmanned aerial  
25 vehicles, and they are concerned about post-traumatic

1 stress, they thought that depression may be a problem for  
2 him chronically, so they gave him an entry level separation.

3 Q Was that ultimately classified as an honorable  
4 discharge?

5 A That's the certificate they gave him, yes, sir.

6 Q All right. If I could show you a document,  
7 Mr. Dehart, and ask you to take a look at it.

8 Do you recognize that, sir?

9 A Yes, sir.

10 Q What is it?

11 A This is the National Guard discharge certificate Matt  
12 received.

13 Q All right. I offer that, Your Honor, as Defendant's  
14 Exhibit 1?

15 THE COURT: All right. Any objection?

16 MR. EVERITT: No, ma'am.

17 THE COURT: All right.

18 (Defendant's Exhibit 1 was received into  
19 evidence.)

20 BY MR. SMALL:

21 Q Now, you had mentioned something about -- well, maybe  
22 you mentioned, I'll just ask you again, was there some  
23 attempt to get Matthew enrolled in school out of the  
24 country?

25 A Yes.

1 Q All right. And when was that?

2 A In March, the end of March, early April, he enrolled  
3 in a French language class in Montreal, Canada.

4 Q Was there any reason why you wanted him to or he  
5 discussed, I guess, enrolling in a class in Montreal versus  
6 say Monterrey, California?

7 A Well, the cost was reasonable. A lot of language --  
8 lot of people came to that school to learn English and to  
9 learn French.

10 As soon as he was able to enroll in the class, he was  
11 able to pick up insurance, which he did not have in the  
12 United States. He was denied health insurance for a  
13 preexisting condition of depression, and so he was  
14 ineligible for health insurance.

15 Q Did he -- what course of study did your son  
16 ultimately enroll in, in Canada?

17 A While he was at the language course, investigated  
18 other programs, and there was a community college equivalent  
19 on Prince Edward Island called Holland College. They offer  
20 two year occupational degrees. And he enrolled in a welding  
21 program, which was to begin in September of this year.

22 Q Did you pay the tuition?

23 A Yes, we paid the tuition in full for this year.

24 Q And how long was the language school before he --

25 A The first part of the course was for eight weeks.

1 Then he was going to determine whether he wants to continue  
2 for another eight, and he did not. And so we got him set up  
3 in Prince Edward Island in preparation for school.

4 Q Now, did you and your wife take him up there?

5 A We did.

6 Q And when did y'all take Matthew to school?

7 A We took him to the language school the end of April.  
8 We went to New York state, and Matt took a bus to Montreal  
9 and stayed with a host family.

10 Then when he completed the language school, we went  
11 from Newburg to Montreal, picked him up, stayed in Montreal  
12 two days, looked around, and then drove through New  
13 Brunswick to Prince Edward Island, vacationed for two weeks  
14 there and while during that time set him up with an  
15 apartment and paid his tuition and got him enrolled in the  
16 class.

17 Q To your knowledge, sir, from January when the warrant  
18 was first served on your home to the point which you took  
19 Matthew to school, had you been contacted by law enforcement  
20 at all about his whereabouts or him coming in to talk to  
21 them?

22 A An investigator from Vanderburgh County Sheriff's  
23 Department -- I don't remember the officer's name -- who  
24 Matt said had executed the warrant and handcuffed Matt when  
25 he came into our house came back in -- sometime later in

1 March, I don't remember the exact date; met me in the  
2 parking lot; inquired as to how Matt was doing with his  
3 counseling; and said he was concerned for Matt and his  
4 counseling.

5 I said he was fine. I thanked him very much. Then  
6 my wife and I went into the condo.

7 He knocked on the door after we had gotten in and  
8 said that he had some of the seized material he wanted to  
9 return, and I said that if you would, please, contact the  
10 lawyer, and he could give it to him, but he said nothing  
11 about anything beyond that.

12 Q He didn't ask where Matt was?

13 A No, he did not ask me that.

14 Q So after you enrolled your son in school in Canada,  
15 what did you do next?

16 A We came back home on July the 1st or 2nd and drove  
17 back to Indiana and went back to our normal routine.

18 Q Now, did you remain in constant contact with your son  
19 during the time in which he was in Canada attending school?

20 A We did. He set up -- he had a Skype account, and we  
21 talked each night. We said our prayers together before he  
22 goes to bed. So --

23 Q Did you -- did the time come where you had learned  
24 about your son's arrest at the border?

25 A In -- August the 5th, Matt had to re-enter Canada,

1 had to leave Canada because he was there as a visitor; a  
2 visa was not required, and he could remain up to 180 days,  
3 but in order to begin his studies he had to have a student  
4 visa.

5 So he had a student visa application for Canada, had  
6 to leave the United States, could come back and enter into  
7 Canada port of entry and process that. He was to come  
8 across the border on August 5.

9 He took a bus from Charlottetown PEI on Thursday.  
10 Friday morning he was to cross over on foot at the border in  
11 Calais, Saint Stephen border crossing.

12 When he crossed the border, we were supposed to hear  
13 something from him. He was going to call us. We didn't  
14 hear anything, and so we assumed that there was a problem at  
15 the border.

16 Q So what did you do in response to that when you  
17 learned that you did not hear from your son?

18 A I waited until the evening, and I called the border  
19 service at Calais and asked if there was any problem with  
20 Matthew. They said that he had been detained by the U.S.  
21 Marshals and that he was being transported to the Penobscot  
22 County Jail in Bangor, Maine.

23 And I later called the Bangor jail in the evening and  
24 found out that he had arrived there.

25 Q What involvement did you have after that, if any,

1 with this case after your son was arrested?

2 A We didn't hear anything from his arrest officially  
3 other than what the border patrol told me until Monday, the  
4 federal defender's office in Bangor, Maine, Assistant  
5 Federal Defender Via (phonetic) called me at some time on  
6 Monday, I want to think it was afternoon, to inform me that  
7 Matt was arrested on a charge of possession and distribution  
8 of child pornography.

9 Q Were you asked or did you offer to come out to Maine  
10 to either, you know, testify or provide some assistance?

11 A I did. And I don't remember if I was informed of the  
12 date of the hearing in the Monday call or Tuesday when I  
13 subsequently spoke with Ms. Via, but the hearing was set,  
14 detention hearing, whatever it was called. We didn't know  
15 the process and how it worked, but that hearing was set for  
16 Wednesday at 10 a.m.

17 And it was a 20 something hour drive, and it was  
18 probably Tuesday when we knew about it. And we had just  
19 spent the resources to set Matt up in Canada, and I sent her  
20 a fax memo. I said if you think it would be helpful for us  
21 to be there to testify, we would do that; otherwise, please  
22 let us know and advise us what we need to do.

23 Q Were you ever instructed to come out there?

24 A No, we were not.

25 Q Would you have come out there if you were so

1       instructed?

2       A       Yes, sir, we would have.

3       Q       As we're here today regarding your son's ability to  
4       travel and such, does he have any passports?

5       A       No, his passport, his license were seized at the  
6       border.

7       Q       All right. Now, we talked about third party  
8       custodian; you know what that is?

9       A       Yes, sir.

10      Q       Are you willing to take that responsibility for your  
11       son?

12      A       Yes, we are.

13      Q       Now, one of the things is -- well, let me ask it this  
14       way. Do you have any landlines at your house?

15      A       We don't currently have a landline. We have two cell  
16       phones.

17      Q       Would you be willing, of course, to get a landline --

18      A       Yes, sir, we would.

19      Q       -- if you're required to do that? Have you visited  
20       your son frequently since he's been incarcerated at the  
21       Warren County Jail?

22      A       Yes, sir. We come down to see him every Saturday,  
23       and we speak with him every day on the phone.

24      Q       Did you form an opinion about his condition at this  
25       point, I guess, mental health wise?

1 A He hasn't had to take any mental health medication.  
2 We are very proud of that. He seems to be handling things  
3 well.

4 We were concerned. We found when he was in Maine he  
5 was placed in isolation and given Thorazine, for which he  
6 had a seizure, but he hasn't had any problems that have come  
7 up since then. So he's been able to handle being in a pod  
8 with the other inmates.

9 Q Now, as you said, you are a pastor of a church?

10 A Yes, sir.

11 Q Did your son ever attend that church?

12 A Yes, he did, regularly.

13 Q Did you have him set up in a church home either in  
14 Canada or elsewhere?

15 A We visited the Central Christian Church in  
16 Charlottetown, PEI. My wife and I contacted some of the  
17 people there and had a conversation with one of the ladies  
18 and asked to kind of him take Matt under her wing, and so we  
19 felt like he had a connection there.

20 Q Has there ever been anything to your knowledge that  
21 might have caused you concerns about Matt being involved  
22 with children or being violent or anything like that?

23 A No, sir. No. He helped out in our youth group at  
24 the church. He's been a chaperone when we take groups to  
25 Winterfest in Gatlinburg, so there's never been any

1 indication of anything like that.

2 Q How old is your son?

3 A He's 26 years old.

4 Q He has a high school diploma?

5 A Yes, he does, and some college.

6 Q Does he have any history of drug or alcohol abuse?

7 A No, sir.

8 Q Does he have any criminal record?

9 A He had a problem in 8th grade with a false public

10 alarm for which he served community service.

11 Q How much community service?

12 A Seventy-five hours.

13 Q Do you have -- other than your -- is it your wife's

14 mother or your mother?

15 A My wife's mother, mother-in-law.

16 Q Other than her, do you have any family that lives in

17 the southern part of the Indiana?

18 A No, not currently.

19 Q Are there any opportunities that you know of or your

20 wife knows of about job opportunities for your son if he's

21 released?

22 A He has plenty of volunteer opportunities at the

23 church. There's lots of older people that I could have him

24 involved in helping.

25 Q Do you believe your son in the face of these charges

1     -- and, by the way, during the whole time that you were  
2     dealing with your son between Mexico and Canada, other than  
3     his arrest at the border, had law enforcement other than  
4     that one time contacted you about your son looking for him?

5     A       No, sir.

6     Q       Anybody leave you any messages on your phone?

7     A       No, sir.

8     Q       Anybody leave any notes on your door saying, hey,  
9     where is Matt Dehart?

10    A       No, no.

11    Q       When is the first time you learned about the charges,  
12    I guess, against your son? Was it when he was arrested  
13    in --

14    A       When the federal defender in Bangor, Maine called me,  
15    and then I read about it in the paper in Bangor, Maine.

16    Q       Now, are you aware of some things about the minors  
17    involved in this case and threatening behavior on the part  
18    of your son; are you aware of any of that?

19    A       Personally, I have no knowledge of that, subsequently  
20    what we've talked about in your office, but I didn't know  
21    any of that.

22    Q       Did you know since the time of the warrant being  
23    executed until now whether there's been any issues of any  
24    violence or any threats or any behavior on the part of your  
25    son?

1       A    Not that I know of, sir.

2       Q    Are you willing to put up your home?

3       A    Yes, sir, we are.

4       Q    Do you have any equity in your home?

5       A    We probably have 10, \$12,000 perhaps.

6       Q    Are you willing to do whatever it takes financially

7       if that's what is called for --

8       A    Yes, sir.

9       Q    -- to secure your son's release?

10      A    Yes, sir, we are.

11      Q    Do you think your son would run in the face of these

12      charges?

13      A    I don't believe so, sir. He's had time to have all

14      this sink in, and he wouldn't.

15      Q    Do any minor children ever frequent your home or your

16      neighborhood that you know of?

17      A    No, sir. We live in a condo complex, and there's no

18      one in our building that's of that age.

19      Q    You live in a condo?

20      A    We do.

21      Q    Now, you said you provided some insurance for your

22      son when he went to Canada. Is that right?

23      A    We did, yes.

24      Q    And how much did you pay for that, do you recall?

25      A    I think it was \$90 for the eight weeks that he was

1 there for health insurance.

2 Q Did that involve any medications that he might have  
3 got for any depression or anything like that?

4 A He had enough of those. He didn't have to use their  
5 insurance for that.

6 Q I'm handing you another document, Mr. Dehart, and I  
7 know you have already testified about it, but I would mark  
8 this as Defendant's Exhibit 2.

9 A Thank you.

10 Q Do you recognize that?

11 A Yes, I do.

12 Q And what is it?

13 A That's Matthew's honorable discharge from the Air  
14 National Guard of Indiana.

15 Q Now, along those lines, Mr. Dehart --

16 THE COURT: Isn't that already Exhibit 1?

17 MR. SMALL: That was the DD-214, Your Honor.

18 That's the actual certificate of his honorable discharge.

19 BY MR. SMALL:

20 Q Did you learn whether or not the military ever took  
21 any efforts to revoke your son's top secret security  
22 clearance --

23 A No, sir.

24 Q -- as a result of any charges or anything else?

25 A As far as I know, no, sir.

1 Q Did you also, sir, pay to set your son up in an  
2 apartment?

3 A We did, in Charlottetown.

4 Q That's in Canada?

5 A In Canada, Prince Edward Island, where the school is  
6 located.

7 Q Did you always know where your son was --

8 A Yes, we did.

9 Q -- during the time that he was not in your home?

10 A We knew he was set up in that apartment, yes.

11 Q Your Honor, Defendant's Exhibit 2, we'll offer?

12 THE COURT: Any objection?

13 MR. EVERITT: No, ma'am. Thank you.

14 THE COURT: Received.

15 (Defendant's Exhibit 2 was received into  
16 evidence.)

17 MR. SMALL: Those are my questions, Mr. Dehart.  
18 Thank you. The government may have some questions. Thank  
19 you.

20 THE COURT: Cross?

21 MR. EVERITT: Thank you, Judge.

22 CROSS-EXAMINATION

23 BY MR. EVERITT:

24 Q Good afternoon, Mr. Dehart.

25 A Good afternoon.

1 Q I'm Matt Everitt. I represent the government in this  
2 case for today at least.

3 A Yes, sir.

4 Q I believe that you said you were in the military, you  
5 were in the Air Force. Is that right?

6 A Yeah, I served in the Army enlistment, then I got a  
7 commission in the Air Force.

8 Q What was your rank at retirement, sir?

9 A Captain.

10 Q When you were in the Air Force what kind of jobs did  
11 you do?

12 A My primary AFSC, Air Force Specialty Code, was  
13 signals intelligence.

14 Q What does that mean, sir?

15 A Intercepting and transcribing, processing foreign  
16 signals, emanations.

17 Q And you were posted at various places in the United  
18 States domestically to do that job. Is that right?

19 A Yes, sir.

20 Q Did you ever have any overseas postings?

21 A I did. I was stationed in Germany -- Hawaii was  
22 considered overseas -- and Hawaii.

23 Q And in your work, did you form any friendships with  
24 brother officers?

25 A Yes, sir.

1 Q Do you still keep in touch with any of those men or  
2 women?

3 A I do.

4 Q And would you consider any of them sort of close  
5 friends?

6 A Not particularly, no, sir.

7 Q Are you and your wife in touch with anybody as a  
8 friend that doesn't live in the United States?

9 A We do keep in touch with some people in Germany. We  
10 went on a mission trip in 2008 where we taught English using  
11 the Bible, and we still keep in touch via e-mail and  
12 Facebook with some people in Cologne, Germany.

13 Q Now, you said that when -- that Matthew got a  
14 passport in March of 2010. Is that right?

15 A Yes, sir.

16 Q He didn't have a passport when he went to Mexico. Is  
17 that right?

18 A He had an expired passport.

19 Q So he traveled into Mexico with an expired passport?

20 A Yes, sir.

21 Q Was that before or after you needed a passport to  
22 cross the border out of the United States, do you know?

23 A I really don't know, sir.

24 Q Okay. But on at least one occasion you know of he  
25 used an expired document to leave this country?

1 A I don't know whether he had to show -- what he did to  
2 cross the border, I don't know what he was required or not  
3 required to have or to show. I don't know, sir.

4 Q When he walked back across the border --

5 A Yes, sir.

6 Q -- did he still have just the expired passport as far  
7 as you know? He didn't have a valid passport --

8 A No, he did not.

9 Q -- or up-to-date passport?

10 A No, sir, he did not.

11 Q And this thing in Mexico happened after the search  
12 warrant was executed at your home. Is that right?

13 A Yes, sir. Yes, sir.

14 Q When a warrant was executed at your home, I think you  
15 said you kind of raced home to see what was going on. Is  
16 that fair?

17 A Yes, sir, yes.

18 Q And I think you said you read the warrant. Is that  
19 also correct?

20 A Yes, sir.

21 Q In reading the warrant, did you form any opinion or  
22 view about why the officers were at your house?

23 A It was apparent they were investigating what was on  
24 the warrant, yes, sir.

25 Q What did you understand to be on the warrant?

1 A I understood that they were looking for child  
2 pornography on whatever electronic equipment was located in  
3 our house.

4 Q Okay. So it's fair to say then, sir, that on or  
5 about the day that search warrant was executed, you had some  
6 basis to believe that there was something going on with  
7 child pornography or somebody -- you had some basis to  
8 believe that the officers were looking at something  
9 involving child pornography and your son. Is that fair?

10 A I understood that to be the allegation, yes, sir.

11 Q Something floating around, an allegation involving  
12 child pornography?

13 A Yes, sir. Yes, sir.

14 Q Now, you said that when your son went to Canada --

15 A Yes.

16 Q -- for the language school, I think --

17 A Yes.

18 Q -- that he was going to live with a host family. Is  
19 that right?

20 A Yes, sir, he did.

21 Q Did the host family have any kids?

22 A No, it was a grandmother.

23 Q Did you check into that before you sent him to go  
24 live with the host family?

25 A Yes, sir, we did.

1 Q Why was that a concern?

2 A Just wouldn't have looked good if he was with a  
3 family that had children.

4 Q So you were concerned about -- given these sort of  
5 allegations that were floating around, you were concerned  
6 about sending him to live in a home that might have kids?

7 A That was not my concern. My concern would be any  
8 ammunition that someone --

9 Q The officers --

10 A Yes, sir, that someone might use.

11 Q Do you have any information about online alter-egos  
12 or personas that your son may have assumed?

13 A I know he played War of the World Craft. He played  
14 Halo, Tribes, many of the online games that young people his  
15 age play, and they all have avatars, or whatever screen  
16 names they play.

17 Q Have you ever heard of Matthew DeMarco?

18 A It doesn't sound familiar, sir.

19 Q When your son was most recently living with you, were  
20 you all in this condo that you are in now?

21 A Yes, sir.

22 Q Can you sort of walk me through what that place looks  
23 like? Is it high-rise, townhouse, what?

24 A It's a quad. There are seven buildings in the quad,  
25 four condos to a quad, and ours is one of four in the first

1 building on the left-hand side on our street.

2 Q So it's not like a high rise where you get in an  
3 elevator and ride up to the 20th floor?

4 A No, sir, there are outside entrances, separate  
5 entrances, four condos, two story condos, to a building,  
6 seven buildings.

7 Q How many bedrooms is your condo, sir?

8 A Three bedrooms.

9 Q How many bathrooms?

10 A Two and a half.

11 Q So what are we talking about, 1,500, 2,000 square  
12 feet?

13 A 1,700 square feet.

14 Q 1,700 square feet?

15 A Yes, sir.

16 Q Where was Matt living -- sort of sleeping, keeping  
17 his stuff while he was with you?

18 A Matt's bedroom is upstairs on the left-hand side at  
19 the top of the stairs to the left.

20 Q Did he have, as far as you know, computer equipment  
21 and an internet connection in that room?

22 A He did, yes, sir.

23 Q And understanding you were living with your adult  
24 child, not your 14 year old son, that was a long time ago --

25 A Yes, sir.

1 Q -- but did you have any sort of transparency about  
2 what was going on in his room or what was in his room?

3 A Well, I would go in there and help him clean it every  
4 now and then, but we know what was in his room. It's not  
5 like it was locked or anything like that.

6 Q Did -- while Matt was living with you, did he have  
7 any visitors over to the house?

8 A That's hard to -- I can't recall specifically. He  
9 didn't frequently have visitors over to the house.

10 THE COURT: Did or did not?

11 THE WITNESS: Did not. Did not have.

12 BY MR. EVERITT:

13 Q Did he ever speak with you or your wife that you know  
14 of, of any relationships, friendships, romantic  
15 relationships, any of that kind of stuff that he was having  
16 while he was living at home with you guys?

17 A He had a long-term friendship with a girl from New  
18 Jersey. I had pastored a church in New Jersey before, a  
19 girl named Heather Kaseer (phonetic) was in school at David  
20 Lipscomb University and kept an ongoing friendship.

21 I don't know what the nature of that was. I know  
22 Heather was more serious than Matt was. And Matt kind of  
23 liked Heather's older sister for a while in youth group,  
24 so --

25 Q Mr. Dehart, are you still working as a minister at

1 the church?

2 A Yes, sir.

3 Q Is that full-time job?

4 A Yes, it is.

5 Q So you are pretty much there -- I guess ministers  
6 don't take Sunday off, they take Monday off?

7 A Fridays and Saturdays are my days off.

8 Q Fridays and Saturdays. So Sunday through Thursday  
9 you are busy with the church?

10 A Yes, sir.

11 Q If somebody dies and there's a funeral, you are busy  
12 on Saturday or Sunday too, I guess, or a wedding?

13 A Yes, sir.

14 Q Weddings are better than funerals.

15 A Yes.

16 Q Who's around the house during those days that you are  
17 at work?

18 A There's nobody there at the house.

19 Q Okay. And if Matt were to come home and live with  
20 you, who would be home during the day while he was around  
21 the house?

22 A If he had to remain in the house, he would be there  
23 alone.

24 Q Okay. And so what would happen if he woke up on  
25 Wednesday morning after you left and decided I'm out of

1 here, when would be the first time that you would be able to  
2 figure that out?

3 A Well, if I came home for lunch, I would know then.  
4 We only have one vehicle now, the Honda CRV, and I take it  
5 to work and drop my wife off at work.

6 Q Okay. And I take it from your testimony that your  
7 wife is also working full time outside the home. Is that  
8 fair?

9 A Yes, she does.

10 Q When Matt went down to Mexico --

11 A Yes, sir.

12 Q -- what -- let me was back up. I think you said with  
13 respect to the language school and welding school, you and  
14 your wife sort of helped out financially --

15 A We got him set up, yes, sir.

16 Q -- with those two trips? When he went down to Mexico  
17 that sounds like it was little more of a spur of the moment  
18 thing, did you help financially with that trip?

19 A No, sir.

20 Q Except for the car?

21 A Yes.

22 Q Do you know where Matt got the money to make a trip  
23 down to Mexico?

24 A From his grandmother in Fort Branch.

25 Q Okay. Was that a -- was that one of those

1 grandmother's savings bonds in the shoe box or was that he  
2 went to his grandmother and asked for cash?

3 A I'm not sure how that worked, sir.

4 Q So you know the money came from Matt's grandmother --

5 A Yes.

6 Q -- but you are not exactly shower how that all went

7 --

8 A No, I'm not sure how that transpired.

9 Q Okay.

10 MR. EVERITT: May I have just a minute, Your  
11 Honor?

12 THE COURT: Yes.

13 (Pause.)

14 MR. EVERITT: Just a few more questions, Judge.

15 BY MR. EVERITT:

16 Q Mr. Dehart, I think you said when Mr. Small was  
17 asking questions that after the warrant, after the search  
18 warrant was executed --

19 A Yes, sir.

20 Q -- that some law enforcement came to the house one  
21 other time maybe?

22 A Yes, sir.

23 Q Is that right?

24 A Yes, sir.

25 Q And I hadn't heard that before, so I might be asking

1 you to repeat yourself a little --

2 A That's fine.

3 Q -- but what exactly happened on that second time  
4 officers came to the house?

5 A I don't remember the time frame, sometime in March, I  
6 think. It was after -- before Matt left for --

7 Q Before Canada, but after Mexico?

8 A Before Canada.

9 Q Okay.

10 A And I don't remember the officer's name. He's a very  
11 tall gentleman, six-five, six-six. We pulled up into our  
12 parking lot at the condo, and he came up to the car as we  
13 were getting out and asked me about how Matt was doing, I --  
14 probably introduced himself and asked -- he mentioned Matt's  
15 mental health problems and how his counseling was going or  
16 something like that.

17 I shook his hand, and I said thank you for inquiring,  
18 he's doing fine, everything is all right, and then my wife  
19 and I went into the house.

20 And I don't know how long we were in there, and it  
21 was a knock at the door. I came to the door, and he was at  
22 the door again, and one of these, oh, by the way, we have  
23 some of your equipment and things we took to return to you.

24 And I don't remember how the conversation went from  
25 there, but I was advised not to say anything to law

1 enforcement after this, and so I asked him to kindly return  
2 anything that he did have to a lawyer in town, in  
3 Evansville, Mr. Canada.

4 Q Okay. Just one second, Your Honor. (Pause.)

5 Mr. Dehart, do you remember whether or not that tall law  
6 enforcement officer asked you about where Matthew was?

7 A I don't recall him asking that, sir.

8 Q You don't recall making any comment about him being  
9 in a safe place or anything like that?

10 A No, I don't recall saying anything like that.

11 Q Okay. Your Honor, that's all I have.

12 THE COURT: All right.

13 Q Thank you, Mr. Dehart.

14 A Thank you.

15 THE COURT: All right. Any redirect?

16 REDIRECT EXAMINATION

17 BY MR. SMALL:

18 Q You mentioned about a lawyer. Did you retain a  
19 lawyer, I guess?

20 A We did. Two days after the search warrant was  
21 executed, we had no experience in how to do anything, and so  
22 we just contacted a lawyer in town and retained him for just  
23 advice as to what we should do.

24 Q Okay. I have nothing further, Judge.

25 THE COURT: Do you know that there are

1 allegations in this case that your son drove down to  
2 Nashville or Franklin and met with some minors, do you know  
3 that?

4 THE WITNESS: I heard that, yes, ma'am.

5 THE COURT: Do you know about those trips?

6 THE WITNESS: No.

7 THE COURT: And how would he have been able to  
8 make those trips without your knowing about it?

9 THE WITNESS: He had access to the Saturn, and  
10 we knew Heather was down here. And he did help Heather move  
11 into an apartment once she went out of student housing. So  
12 any time he would come down, if he came down here, that  
13 would have been it.

14 THE COURT: I see. Anything else as a result of  
15 my questioning?

16 MR. EVERITT: Pardon me, Your Honor?

17 THE COURT: Anything else as a result of my  
18 questions?

19 MR. SMALL: No, Your Honor.

20 MR. EVERITT: No. Thank you, Judge.

21 THE COURT: Okay. You may step down. Thank  
22 you, Mr. DeHart.

23 Any other witnesses?

24 MR. SMALL: Leann Dehart, Your Honor.

25 THE COURT: All right.

1                   THE CLERK: Raise your right hand.

2                   (WITNESS WAS SWORN.)

3                   THE CLERK: State your name for the reports and  
4                   spell your first name.

5                   THE WITNESS: Leann Dehart. L-E-A-N-N.

6                   THE CLERK: Take a seat in the witness stand.

7                   LEANN DEHART,

8                   having first been duly sworn,

9                   was examined and testified as follows:

10                   DIRECT EXAMINATION

11                   BY MR. SMALL:

12                   Q        Ms. Dehart, where do you work?

13                   A        I work for Trinity Theological Seminary.

14                   Q        Okay. How long have you been there?

15                   A        Going on six years now.

16                   Q        Do you teach there?

17                   A        I am the Director for Progression and Retention  
18                   there.

19                   Q        And for the record, you are Matthew's mother?

20                   A        I am.

21                   Q        And I understand you served in the armed forces?

22                   A        Yes, I did, sir.

23                   Q        When did you get out?

24                   A        I believe it was 1979.

25                   Q        How long did you serve?

1 A For two years.

2 Q Did you encourage your son to enlist in the Air  
3 National Guard?

4 A I did, sir.

5 Q Okay. Is your son -- what character traits would you  
6 say your son has?

7 A My son is a -- he's got a great sense of humor. He's  
8 very kind and compassionate (witness is emotional). I'm  
9 having a hard time with this because this is not my son.  
10 This is not the son I know and I live with.

11 My son is a good person. Everybody that comes around  
12 that has anything to do with Matt says he's a kind and  
13 good-hearted person and they like being around him. He's  
14 very smart, and he's very helpful. And I'm extremely proud  
15 of my son.

16 Q Do you think that your son would ever harm anybody?

17 A No, sir.

18 Q We've discussed the allegations against your son, and  
19 are you aware of those?

20 A Yes, sir.

21 Q Do you have any knowledge at all about any of the  
22 circumstances including the minors that were involved in  
23 this case?

24 A No, sir.

25 Q Did you become aware of the trip to Mexico that your

1 son took?

2 A Afterwards, yes, sir.

3 Q So were you involved in the initial discussions and  
4 decisions by your son to go to Mexico?

5 A No.

6 Q Okay. Who told you that he was in Mexico?

7 A Well, my husband told me or either that or we got a  
8 call that night. It was a while back, but I knew afterwards  
9 that he had taken a trip to clear his head. I wasn't sure  
10 that he was going to end up in Mexico.

11 Q Did you ask your husband why it is that your son was  
12 going to Mexico as opposed to anywhere else?

13 A Well, I don't know that he knew either. I mean, I'm  
14 not sure that we both knew. I mean, I think Matt just  
15 decided he needed to get some time and -- away and just  
16 think. We were all pretty scared.

17 It was -- afterwards it was hard to go back home.  
18 When someone breaks in your home and steals all your stuff,  
19 takes your stuff, it was hard for us to even go home at  
20 night.

21 We would drive around for hours and just go eat out  
22 and drive around for hours before we would go home. We felt  
23 like the tornado all over again.

24 Q Did you have discussions with your son while he was  
25 in Mexico; I believe your husband said Skype?

1 A Yes, he talked to us every night.

2 Q Did you ever ask him about why he was in Mexico or  
3 did you encourage him to come back?

4 A I always -- every night I asked him to come back.

5 Q What finally prompted him to come back?

6 A I think he missed us terribly. And I think he had  
7 enough time to think about -- and we're a pretty close  
8 family. We talk about things, and we pray a lot. And I  
9 think he decided that he had enough time to consider all of  
10 his stuff, and he came back home.

11 Q Were you concerned about his mental health while he  
12 was not in your presence?

13 A Yes.

14 Q Had you in the past or even now been assisting your  
15 son with getting any services for depression, things like  
16 that?

17 A Yes.

18 Q Were you involved, ma'am, in the discussions  
19 regarding your son's decision to attend school in Canada?

20 A Yes, sir.

21 Q All right. And did you encourage him to do that or  
22 how did that come up?

23 A Yes, I did. We tried three different places,  
24 statewide, national, and disability for insurance because  
25 all of his medication and doctors' bills were coming out of

1 our pockets, and anybody can look at our salary, we don't  
2 make a lot of money. And we looked around to see what would  
3 be the best option for him to, like his counselor said, to  
4 see something new and to do something and do something  
5 productive.

6           And we thought if -- I know French, and he was kind  
7 of excited, we thought we would put him in French school,  
8 and then welding school, and he could -- you have more of a  
9 chance of an opportunity if you're bilingual.

10          Q        I didn't ask your husband this, but if you know this  
11 or maybe the answer is -- what duty position did your son  
12 have while he was in the Air Force, Air National Guard? Was  
13 he in intelligence, do you know?

14          A        Well, I know he got a top secret clearance. I'm not  
15 sure exactly the whole scheme of what they do in Terre Haute  
16 there, but I know he was going to be a part of that.

17          Q        Right. So when he went to Canada for the school, and  
18 all, did you talk frequently to him about how he was doing  
19 while he was in Canada?

20          A        Yeah, we spoke every night for at least half hour to  
21 an hour.

22          Q        Do you believe that your son was going to Canada for  
23 -- to escape prosecution or anything like that?

24          A        No, sir. We never thought it was -- we thought it  
25 was a huge mistake, that somebody got something wrong

1 somewhere and it would eventually work itself out.

2 Q Were you ever asked yourself, ma'am, about the  
3 whereabouts of your son by any law enforcement officer?

4 A No, sir, and everybody knows where I work. I have  
5 got no response from anybody.

6 Q If you were asked by a law enforcement officer about  
7 where your son was, would you have told them where he was?

8 A I would tell them where he was.

9 Q You know that would be a serious crime if you didn't?

10 A Absolutely.

11 Q When did you learn, ma'am, when -- about your son's  
12 arrest in this case?

13 A Same time when he was picked up in Calais.

14 Q Did you have any discussions at all with any  
15 probation officers or defense attorneys in Maine about the  
16 circumstances in this case?

17 A No, sir.

18 Q Were you willing to come if you were asked to come  
19 testify there?

20 A Absolutely, sir.

21 Q Now, you have heard me ask about third party  
22 custodian. Did you and your husband discuss that?

23 A Yes, we did.

24 Q And you are willing to join in as a third party?

25 A Absolutely. I'll do whatever it takes, sir.

1 Q Willing to sign over your home or sign your home as  
2 collateral?

3 A I will.

4 Q You heard your husband say you have a car?

5 A Yes.

6 Q Did y'all bring documents regarding your car today?

7 A Yes, sir.

8 Q For what purpose?

9 A We'll turn over our car too, sir.

10 Q You understand the responsibility that goes with  
11 being a third party custodian, do you not?

12 A Yes, sir.

13 Q That you could not only be in trouble if you don't  
14 turn him in, but you can lose everything?

15 A Absolutely.

16 Q You are still willing to put up that risk?

17 A I believe my son will do what he's supposed to do,  
18 sir, and we'll do what we are supposed to do.

19 Q It's obvious that you and your husband love your son  
20 very much.

21 A We do, sir.

22 Q If he did something that was not in line with what he  
23 was supposed to do, it would be tough for you to turn him  
24 in, wouldn't it?

25 A It would, sir, but it would be the right thing to do.

1 Q You would do it?

2 A I would do it, sir. It would be hard, but I would do  
3 it.

4 MR. SMALL: Thank you.

5 THE COURT: Cross?

6 CROSS-EXAMINATION

7 BY MR. EVERITT:

8 Q Ms. Dehart, do you know whether or not Matt has any  
9 experience with firearms?

10 A I believe he does, sir.

11 Q Are there any firearms in your house now?

12 A No, sir, they are all gone.

13 Q Okay. Where are they, ma'am?

14 A My husband sold all of his, and I believe law  
15 enforcement has my son's other.

16 Q Are you aware of the kind of penalties that might be  
17 facing Matt at the end of this ordeal?

18 A I do, sir.

19 Q And what do you understand those to be, ma'am?

20 A I believe there's -- I'm not sure of the amount of  
21 time, but I know there's significant jail time.

22 Q And that possibility out there is pretty distressing  
23 to you and your husband and probably with your son, isn't  
24 it?

25 A Yes, it is, sir.

1 Q       Would that possibility have any kind of influence on  
2 your willingness to call in to the probation officer if you  
3 got home from work and Matt was just gone?

4 A       Sir, I have never done a wrong thing in my entire  
5 life. I don't even have a traffic ticket. And I'm probably  
6 one of the most model citizens.

7           And I don't say that with any pride. I say that  
8 humbly. But if my son did something that he wasn't supposed  
9 to do, sir, yes, I would call the probation officer. And he  
10 knows that I would do that.

11 Q       Some people might say that a model mother would  
12 protect her child at all costs. How do you square those two  
13 things, Ms. Dehart, citizen and the mother?

14 A       Well, sir, we have laws. And if -- and we have to  
15 abide by laws, and that's what makes us the kind of people  
16 we are. And it keeps us separate from -- I don't believe my  
17 son is a criminal, so I'm not worried that this is even  
18 going to happen, but there's right and there's wrong, and I  
19 have a very good sense of that, sir.

20           As much as I love my son and anybody else in my  
21 family, I -- I certainly don't -- don't get me wrong, but I  
22 certainly don't want to take my husband and myself down or  
23 anybody else in my family doing something that we are not  
24 supposed to do.

25 Q       Thank you, ma'am.

1 THE COURT: Any redirect?

## **REDIRECT EXAMINATION**

3 BY MR. SMALL:

4 Q Just one question. Ms. Dehart, were you aware of  
5 whether or not at the time that your son had that firearm,  
6 did he have a permit for that firearm?

7 | A Yes. Yes, sir.

8 Q And do you know when it was that your husband sold  
9 his firearms?

10 A Oh, gosh, it's got to be a few months ago.

## 11 Q Why did he do that?

12 A Well, he wasn't using them. They were mostly for  
13 hunting and collectors, and we have a few gentlemen in our  
14 church who are collectors and hunters, and so he sold them  
15 to them.

16 Q Probation officer never called you and said he had to  
17 get rid of them or anything like that?

18 | A No.

19 Q That's all I have, Your Honor.

20 THE COURT: Why did he have a permit to carry a  
21 concealed weapon?

22 THE WITNESS: Honestly, ma'am, that's a good  
23 question. I'm not a pro of any kind of gun, so I really  
24 couldn't give you an answer on that.

25 THE COURT: Did you know that he had a permit to

1 carry a concealed weapon?

2 THE WITNESS: I did. I did. I did.

3 THE COURT: But you didn't know why?

4 THE WITNESS: I'm not sure why he had a permit  
5 to carry a gun.

6 THE COURT: And, tell me, do you remember the  
7 same visit that your husband testified about the law  
8 enforcement person coming --

9 THE WITNESS: (Witness moves head up and down.)

10 THE COURT: Could you give me your version of  
11 that, what you remember about that?

12 THE WITNESS: Sure. I remember we pulled up in  
13 our driveway, and he was in -- I think he has either a black  
14 or red truck, and he pulled up.

15 And he stepped out. And like my husband said, one  
16 thing that you notice about him, he's a very tall man. And  
17 he asked -- he shook my husband's hand, and he asked how  
18 Matt was doing, specifically about his mental health and if  
19 he was seeing counseling.

20 And we told him that, yeah, he's seeing counseling,  
21 and my husband thanked him. I didn't speak to him. And  
22 then we went into the house, like -- and then again we heard  
23 a knock at the door. I didn't even expect that it was him.

24 And I do remember -- I have a dog, I was holding my  
25 dog so she wouldn't go after him. I remember him saying

1 that he wanted to return all of the electronic stuff that  
2 they had taken.

3           And my husband said, well, you can give those to  
4 Mr. Canada and said, I'm sorry, I can't give you anything  
5 else other than that, and then he was very polite to him and  
6 shut the door.

7           THE COURT: Okay. Thank you. Anything else?

8           MR. SMALL: No, ma'am.

9           THE COURT: Okay. You may step down.

10          THE WITNESS: Thank you.

11          THE COURT: Any other witnesses?

12          MR. SMALL: No other witnesses, Your Honor.

13          THE COURT: All right. Does the government have  
14 any witnesses?

15          MR. EVERITT: Well, Your Honor, at this point, I  
16 suppose I would like to ask the Court two questions in that  
17 regard, and we will determine what we need to do next.

18          First is whether or not the Court finds -- and I  
19 think you may find that the defendant has met the burden of  
20 presentation or the burden of production as outlined in our  
21 papers.

22          If the answer to that question is yes, then my second  
23 question to the Court will be if the Court is satisfied that  
24 there's a sufficient basis to detain the defendant as set  
25 forth in the transcript from the hearing in Maine or if the

1 Court would like to hear additional testimony, and I suppose  
2 in terms of kind of road-mapping that out, if Your Honor at  
3 this point can find there's a sufficient basis to detain  
4 based on transcripts from Maine, then I would not want to  
5 proffer any witnesses.

6           But if based on the testimony you have heard today,  
7 the transcript from Maine is not sufficient to detain, then  
8 I need to know that so I can put on a witness to present  
9 some more evidence to the Court.

10           So I'm sort of asking you to make a preliminary  
11 ruling to give me some guidance especially given the hour  
12 and the fact that it's the end of the week.

13           THE COURT: Well, I don't want to prevent you  
14 from giving me any additional information that was not  
15 introduced in Maine. There was no testimony from Detective  
16 Kniss in Maine.

17           I have read what you submitted. I have read the  
18 transcript, and he now has been indicted, so there is  
19 certainly probable cause on the charges.

20           I guess, you know, if you wish to present something  
21 new that is not in the transcript or your other papers, I  
22 guess I would like to hear it. I'm not sure it's entirely  
23 necessary, but I don't want to foreclose anything additional  
24 that you want to bring to my attention.

25           MR. EVERITT: Okay. Your Honor, I guess a

1 follow-up question would be, most of what Detective Kniss  
2 would be proffering or testifying to in court is really  
3 largely set forth in the synopsis document that was  
4 submitted to Your Honor as Exhibit 2.

5 THE COURT: Okay.

6 MR. EVERITT: Now, of course, Mr. Small can't  
7 cross-examine a synopsis document. Mr. Small and I have  
8 appeared before you many times, and I know that certainly  
9 Mr. Small is not going to turn down an opportunity to  
10 cross-examine; most defense attorneys won't.

11 I guess I don't know how the Court will treat that  
12 synopsis document versus live testimony that might be  
13 subject to cross-examination. I don't want some of the  
14 germane facts in there to be given less weight because  
15 Mr. Small didn't get an opportunity to ask a follow-up  
16 question.

17 THE COURT: The Rules of Evidence don't apply in  
18 a detention hearing, and Mr. Small knows that, and you know  
19 that, and I know that, so I am, you know, taking this  
20 synopsis document for what it's worth.

21 I guess, Mr. Small, do you have any interest in  
22 putting Mr. Kniss on the stand for any reason?

23 MR. SMALL: Well, Your Honor, if he's going to  
24 just rehash what we have all read here, you know, I really  
25 don't have an interest in hearing a lot of this again, but

1       certainly I may have my time to cross-examine Detective  
2       Kniss, but I don't see a reason to do that.

3               THE COURT: I think I have enough information to  
4       make this decision, so --

5               MR. EVERITT: Judge, may I just ask Detective  
6       Kniss and make sure that he doesn't have anything -- I'm  
7       standing in, so he and Ms. Daughtrey are so much more  
8       familiar. Let me check with him to make sure I'm not  
9       stepping in it, so to speak.

10              THE COURT: Okay.

11              (Pause.)

12              MR. EVERITT: Judge, I think we can rest on the  
13       synopsis. And if you would like to hear from me in terms of  
14       arguing the factors in the Stone case, I'm happy to do that,  
15       but otherwise, given the hour and the time of the week, I'm  
16       ready to have my seat.

17              THE COURT: All right. Do you want to argue,  
18       Mr. Small?

19              MR. SMALL: Your Honor, just some brief comments  
20       about it.

21              Your Honor, we certainly want and appreciate the  
22       opportunity to have presented the Deharts. I mean, they --  
23       they think there are some things that need to be explained,  
24       particularly the trip to Mexico and the Canada connection,  
25       and I guess one thing I would like to point out, obviously,

1 from the testimony of the Deharts, there didn't appear to be  
2 any search or charges or anything like that from Mr. Dehart,  
3 from Matthew.

4 So, I mean, a question -- I know the ruling from the  
5 court in Maine and the opinion from the probation office  
6 suggested that he was fleeing potential prosecution and  
7 such. I mean, there wasn't anything -- other than a search  
8 warrant, Your Honor, there wasn't any instructions for  
9 Mr. DeHart to remain in the jurisdiction. He did come back.

10 As it stands now, Your Honor, and I don't know all  
11 the details about how you get to Mexico, whether with a  
12 driver's license, whether you just walk across. Given the  
13 immigration cases that we have in this district, it may be  
14 easier than we think.

15 THE COURT: I think it's probably to get in  
16 there.

17 MR. SMALL: Get in.

18 THE COURT: I don't know at that time how easy  
19 it was to get back.

20 MR. SMALL: Yes, Your Honor, but he doesn't have  
21 a passport or anything at this point. It seems like he  
22 would be reliant only on the support of his limited income  
23 from his parents, who's willing to put up, Your Honor,  
24 everything to secure his release.

25 They are willing to be third parties, Your Honor. I

1 think one of the issues from the transcript involved this  
2 GPS monitoring situation for child sex cases or minor victim  
3 cases. I believe at a minimum, Your Honor, as you are  
4 aware, under 3142, I think (c) subparagraph 14, that at a  
5 minimum, a condition of electronic monitoring which could be  
6 set up at the Dehart home once they get a landline would  
7 satisfy that in addition to the other conditions that are  
8 referenced in the statute, 4, 5, 6 and 7 and 8.

9 Mr. Dehart can be given a curfew, Your Honor. As you  
10 are aware, this is the least restrictive condition for this  
11 individual. He could be made to report, obviously. He  
12 could be at the house 24/7. His travel could be restricted.

13 So we would argue, Your Honor, he's not a serious  
14 risk to flee as the statute mandates for detention.

15 In terms of his history, I understand the facts in  
16 this case, Your Honor, I would point out that a lot of these  
17 things happened a year before he was even served with a  
18 search warrant. And there's been no evidence presented that  
19 there's been any demonstration of intimidation, threats or  
20 anything since the warrant was executed.

21 Certainly, why the government waited that long to  
22 charge him, that's up to them, but it certainly, I think,  
23 takes away from the facts that they present that he's  
24 dangerous.

25 So we would argue, Your Honor, that he could be

1 released on some very stringent conditions. I see  
2 Mr. Searcy is here, and there are several conditions that  
3 they always recommend that Mr. Dehart can comply with.

4 His parents, like I said, I think are honorable  
5 people, Your Honor. I think that they would, you know,  
6 report him immediately if something were to occur.

7 He could stay at the home, at their home. They are  
8 willing to put up their home or any assets that they may  
9 have, Your Honor, to secure his release. And we would  
10 argue, Your Honor, that he should be released.

11 Given the facts as been presented today and according  
12 to the transcript in May, I think the court didn't really  
13 have much of a concern there about -- or as much of a  
14 concern about the dangerousness issue as she was the flight  
15 issue because of this monitoring situation.

16 So we think that all can be satisfied, Your Honor,  
17 with some very stringent conditions, and we would ask the  
18 Court to so rule.

19 THE COURT: I do not -- this is a de novo review  
20 of all this evidence and the testimony I have heard today.  
21 I am not concerned about the safety of other people, but my  
22 finding as to whether or not the defendant is a serious risk  
23 of flight is by a preponderance of the evidence, and I'm  
24 afraid that the preponderance of the evidence weighs very  
25 heavily against releasing Mr. Dehart because of the serious

1 risk of flight.

2       These are the reasons for my decision. His actions  
3 after the search warrant was executed, really fleeing the  
4 entire situation, perhaps not fleeing arrest but fleeing the  
5 entire situation knowing what they were looking for.

6       Knowing what he had done, his immediate response is  
7 to flee, and his father stated he didn't feel safe at our  
8 house. And that, I'm sure, was because he was afraid he was  
9 going to be arrested; didn't have any family or any contacts  
10 in Mexico, very impulsive, very impulsive act.

11       And I note that he is ADHD which is, obviously, we  
12 all know, I certainly know, impulsive behavior is a hallmark  
13 of ADHD.

14       The decision to go to Canada may have been --  
15 certainly that was a decision that his parents participated  
16 in, may have been motivated in part to get some insurance  
17 benefits that he was not receiving here, certainly probably  
18 was motivated by counseling recommendations for him to do  
19 something different, get out of the house, get on with a  
20 trade, get on with his life, get on with a profession,  
21 sounds like a very interesting thing to become a bilingual  
22 welder in Canada perhaps. I mean, perhaps it was a really  
23 good idea to do something like that.

24       There were no charges pending, and so I see the  
25 decision to go to Canada as a little different than the

1 flight to Mexico.

2           Certainly it did take him out of the reach of the law  
3 for at least a while, so that could also have been a bit of  
4 a motivator.

5           But if we release him to his parents, first of all,  
6 there's no one home during the day to supervise him, he is  
7 going to be right back in the milieu where he committed  
8 these crimes that he is charged with, back in the milieu  
9 where the -- what must be a terrific invasion of privacy and  
10 fearful invasion of privacy by the execution of a search  
11 warrant. Even his parents testified about that, his mom  
12 testified about that. He's going to be right back in that  
13 situation.

14           And the seriousness of facing a 15 year minimum  
15 mandatory sentence for what he is charged with, in my view,  
16 is going to have a very strong likelihood of overwhelming  
17 his good sense and certainly do not impugn the integrity of  
18 his parents who obviously love I presume their only child  
19 dearly, will do anything for him, and I do believe that if  
20 they knew of something that they would try to do something  
21 about it.

22           But I think that the risk of his running away again,  
23 especially now that he knows he's been indicted and what  
24 kind of time he may be facing is simply by far much more  
25 than a preponderance of the evidence, a fear that he will

1 flee.

2       He has basically very few ties to the community. His  
3 parents have ties to the community, but really the testimony  
4 was he doesn't even have any friends in this community. No  
5 visitors. No friends. Apparently moved there after high  
6 school, and he has no community ties there. He apparently  
7 has never even worked there, never earned his own living.

8       His parents have been supporting him. He's 26. His  
9 parents have been supporting him, and the money to go to  
10 Mexico came from his nearby grandmother who might very well  
11 want to finance him again.

12       The Court is concerned that he would have had a  
13 permit to carry a concealed weapon, and his parents don't  
14 seem to know why he had that.

15       That, to me, also is kind of an indication of some  
16 impulsiveness, some lack of judgment; not really ever being  
17 employed, not supporting himself, even though he's 26 years  
18 old.

19       He did serve in the National Guard for a couple of  
20 years. The medication issue causes me some concern. I'm  
21 glad to hear that he is able to function well not on  
22 medication at this time.

23       There's some reference in some of this paperwork to  
24 attempted -- whether it was suicide or just an overdoes of  
25 Aderol in April of this year after this search, another

1 indication of the fact that he's scared to death, as he well  
2 might be scared to death of what is facing him at the  
3 moment, and I feel that there is a real risk of flight in  
4 this case.

5 And despite the good intentions of his parents, I do  
6 not find that putting him in their third party custodianship  
7 is sufficient in this particular case.

8 So the motion for release is denied, and he will  
9 remain detained.

10 Anything else?

11 MR. SMALL: No, ma'am. Thank you.

12 MR. EVERITT: Thank you, Your Honor.

13 THE COURT: We are in recess.

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## **REPORTER'S CERTIFICATE**

I, BEVERLY E. "BECKY" COLE, Official Court  
Reporter for the United States District Court for the Middle  
District of Tennessee, with offices at Nashville, do hereby  
certify:

That I reported on the stenotype shorthand machine the proceedings held in open court on December 3, 2010 in the matter of UNITED STATES OF AMERICA vs. MATTHEW PAUL DEHART, Case No. 3:10-00250;

That a transcript of proceedings in connection with the hearing was reduced to typewritten form by me;

That the foregoing transcript is a true and accurate record of the proceedings to the best of my skills and abilities;

This the 17th day of May, 2012.

/s/  
BEVERLY E. COLE, RPR